United States District Court
For the Northern District of California

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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10   CITY OF EMERYVILLE and the   No. C 99-03719 WHA
     EMERYVILLE REDEVELOPMENT
11   AGENCY,

12   Plaintiffs,   **ORDER RE PENDING MOTION TO
                                                   ENFORCE SETTLEMENT
13   v.   AGREEMENT**

14   ELEMENTIS PIGMENTS, INC., et al.,

15   Defendants.
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18   This action was filed on August 4, 1999, by the City of Emeryville and the Emeryville

19   Redevelopment Agency alleging that defendant Sherwin-Williams (as well as others)

20   contaminated a parcel of land at 4560-5500 Shellmound Street ("Site A"). After prolonged

21   litigation, the parties entered into a settlement agreement whereby plaintiffs released claims

22   against Sherwin-Williams. The settlement agreement further provided that Sherwin-Williams

23   was "entitled to protection from contribution and/or indemnity claims pursuant to federal and

24   state law . . . ." (Wick. Decl. Exh. B). On May 1, 2006, the ERA filed a state-court action

25   alleging that certain parties contaminated a parcel of land directly to the north of Site A.

26   Sherwin-Williams was one of the named defendants in the state-court action. The other

27   defendants, each denying liability, have filed cross-claims against each other seeking indemnity

28   and/or contribution. Sherwin-Williams now moves to enforce the settlement agreement,

     including the contribution provision. Two of the defendants in the state-court action (who are

1   not parties to this case) have sent letters to the Court. One letter indicates a desire to intervene in

2   this action. Accordingly, the Court will give **TWENTY CALENDER DAYS** for any party to file a

3   motion to intervene and to file a response to the pending motion to enforce the settlement

4   agreement. The hearing on Sherwin-Williams' motion is hereby **VACATED** and rescheduled for

5   **OCTOBER 16, 2008, AT 8AM**.

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7   **IT IS SO ORDERED.**

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9   Dated: September 19, 2008.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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